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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

LYNN THOMPSON,
Plaintiff,

vs.

TESLA MOTORS, INC.; ONQGLOBAL,
INC.; DOES 1-50,
Defendants.

Case No. 3:21-cv-00238-HDM-CSD

DEFENDANT TESLA MOTORS, INC.'S

**(1) REQUEST FOR JUDICIAL
NOTICE OF ADJUDICATIVE
FACTS; AND
(2) JOINDER TO ONQGLOBAL,
INC.'S REQUEST FOR JUDICIAL
NOTICE**

Defendant TESLA MOTORS, INC. ("Tesla" or "Defendant"), by and through its counsel Jackson Lewis P.C., hereby submits this Request for Judicial Notice of Adjudicative Facts Pursuant to Fed. R. Evid. 201 and Joinder to OnQGlobal Inc.'s Request for Judicial Notice.

I. REQUEST FOR JUDICIAL NOTICE

In conjunction with Tesla's Motion to Dismiss, which is filed concurrently with this Request, Defendant seeks that the Court take judicial notice and consider the following filing in *Lynn Thompson v. Tesla Motors, Inc.*, Second Judicial District Court, Washoe County, Nevada, Case No. CV19-02115:

- Order Granting Defendant Tesla's Motion to Dismiss or Motion to Compel Arbitration and to Stay Judicial proceedings, filed June 9, 2020, attached to Tesla's Motion to Dismiss as ECF No. 44-3, and Tesla's Motion to Confirm Arbitration Award as ECF No. 45-2.

1 Defendant also requests that the Court take judicial notice of the January 31, 2019 Case
 2 Activity Worksheet, Occupational Safety and Health Administration (“OSHA”), reflecting Plaintiff
 3 Lynn Thompson’s December 5, 2018 complaint to OSHA for alleged violations of the Sarbanes-
 4 Oxley Act, and Tesla’s response thereto, which are attached to Tesla’s Motion to Dismiss as ECF
 5 Nos. 44-1 (OSHA Complaint) and 44-2 (Response), respectively. Judicial notice may be taken under
 6 FRE 201 because the Case Activity Worksheet is not subject to reasonable dispute as it “can be
 7 accurately and readily determined from sources whose accuracy cannot reasonably be questioned.”
 8 Courts regularly take proper judicial notice of a complaint filed with an investigatory governmental
 9 agency. *See Kruger v. Cogent Comm’s, Inc.*, 174 F.Supp.3d 75 (D.D.C. 2016); *Adetuyi v. City &*
 10 *Cty. of San Francisco*, 63 F.Supp.3d 1073 (N.D. Cal. 2014).

11 Additionally, Defendant request that the Court take judicial notice of the filings and awards
 12 in the arbitration proceeding attached to Defendant’s Motion to Dismiss, and Defendant’s Motion
 13 to Confirm Arbitration Award including ECF Nos. 44-4 and 45-4 (Plaintiff’s Second Amended
 14 Complaint); 44-5 (Tesla’s Motion to Dismiss the Second Amended Complaint); 44-6 and 45-6
 15 (Arbitrator’s Interim Award regarding Tesla’s Motion to Dismiss); 44-7 (Tesla’s Motion for
 16 Summary Judgment); 44-8 (Thompson’s Opposition to Tesla’s Motion for Summary Judgment);
 17 44-9 (Tesla’s Reply in Support of its Motion for Summary Judgment); and 44-10 and 45-7
 18 (Arbitrator’s Final Award regarding Tesla’s Motion for Summary Judgment). *See, e.g., IQVIA Inc.*
 19 *v. Medimpact Healthcare Sys.*, No. 21-CV-2081-GPC-DEB, 2022 U.S. Dist. LEXIS 72135, at *8
 20 (S.D. Cal. Apr. 15, 2022) (taking judicial notice of documents filed in arbitration proceeding as well
 21 as the arbitration awards); *Trs. of the Operating Eng’rs Pension Tr. v. Smith-Emery Co.*, 2018 U.S.
 22 Dist. LEXIS 194462, 2018 WL 5983551, at *2 n.3 (C.D. Cal. Nov. 14, 2018) (taking judicial notice
 23 of arbitration filings); *Global Indus. Inv. v. Chung*, 2020 U.S. Dist. LEXIS 162884, 2020 WL
 24 5355968, at *4 (N.D. Cal. Sept. 7, 2020) (same); *Rachford v. Air Line Pilots Ass’n, Int’l*, 284 Fed.
 25 Appx. 473, 475 (9th Cir. 2008) (“[W]e granted the defendants’ motion to take judicial notice of the
 26 arbitrator’s ruling”); *Wickenkamp v. AC3, Inc.*, Case No. 3:14-CV-1646-PK, 2015 U.S. Dist. LEXIS
 27 156035, 2015 WL 13672468, at *3 (D. Or. Sept. 28, 2015) (court found an arbitrator’s opinion and
 28 award was a “fit matter for judicial notice.”)).

1 **II. JOINDER TO ONQGLOBAL'S REQUEST FOR JUDICIAL NOTICE**

2 Tesla hereby submits its Joinder to OnQ's Request for Judicial Notice (ECF 43). Tesla
3 requests that the Court consider the same pleadings submitted by OnQ be taken into consideration
4 in evaluation of Tesla's pending Motion to Dismiss, filed concurrently with this Joinder.

5 DATED this 3rd day of June, 2022.

6 JACKSON LEWIS P.C.

7 /s/ Joshua A. Sliker

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15 Tesla Motors, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Jackson Lewis P.C. and that on this 3rd day of June, 2022, I caused to be served a true and correct copy of the above and foregoing **DEFENDANT TESLA MOTORS, INC.'S (1) REQUEST FOR JUDICIAL NOTICE OF ADJUDICATIVE FACTS; AND (2) JOINDER TO ONQGLOBAL, INC.'S REQUEST FOR JUDICIAL NOTICE** via the U.S. District Court, District of Nevada's CM/ECF electronic filing and service system, to:

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4882-6075-4723, v. 1